



Attorney Docket No. RIB-007
(7995/11)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Wang *et al.*
SERIAL NO.: 10/671,326 GROUP NO.: Not yet assigned
FILING DATE: September 25, 2003 EXAMINER: Not yet assigned
TITLE: Bifunctional Heterocyclic Compounds and Methods of Making and
Using Same

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL UNDER
37 C.F.R. § 1.102(d) AND MPEP § 708.02 (XII)

Sir:

Pursuant to 37 C.F.R. § 1.102(d) and MPEP § 708.02 (XII), Applicants hereby petition the Commissioner to make the above-identified patent application special so that it may be advanced out of turn for immediate action.

Accompanying this petition are:

- (a) a Statement Of Facts In Support Of Petition To Make Special by Susan Froshauer, Ph.D., President and Chief Executive Officer of Rib-X Pharmaceuticals, Inc.; and
- (b) a check in the amount of \$130.00 to cover the petition fee pursuant to 37 C.F.R. § 1.17(h).

In view of the statement of facts provided herewith, Applicants respectfully request that this Petition be granted. The Office is invited to contact the undersigned with any questions concerning this paper.

04/27/2004 SDENB0B1 00000030 10671326

01 FC:1460

130.00 0P

Date: April 23, 2004
Reg. No. 38,678

Tel. No.: (617) 248-7317
Fax No.: (617) 248-7100

Respectfully submitted,

D. A. Greenhalgh

Duncan A. Greenhalgh
Attorney for Applicants
Testa, Hurwitz, & Thibeault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

3056501

 FEE TRANSMITTAL FY 2003		<i>Complete if Known</i>	
		Application Serial Number	10/671,326
		Filing Date	September 25, 2003
		First Named Inventor	Wang
		Group Art Unit	Not yet assigned
		Examiner Name	Not yet assigned
		Attorney Docket No.	RIB-007

METHOD OF PAYMENT		FEE CALCULATION (continued)																																							
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other		3. ADDITIONAL FEES																																							
2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.		Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																				
3. <input type="checkbox"/> Applicant claims small entity status.																																									
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Large Entity <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Fee (\$)</th> <th style="width: 40%;">Fee Description</th> <th style="width: 40%;">Fee Paid</th> </tr> </thead> <tbody> <tr> <td>750</td> <td>Utility filing fee</td> <td style="text-align: center; vertical-align: bottom;">_____</td> </tr> <tr> <td>330</td> <td>Design filing fee</td> <td style="text-align: center; vertical-align: bottom;">_____</td> </tr> <tr> <td>160</td> <td>Provisional filing fee</td> <td style="text-align: center; vertical-align: bottom;">_____</td> </tr> </tbody> </table>						Fee (\$)	Fee Description	Fee Paid	750	Utility filing fee	_____	330	Design filing fee	_____	160	Provisional filing fee	_____																								
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CORRESPONDENCE ADDRESS		SIGNATURE BLOCK																																							
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibeault, LLP High Street Tower-125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100		Respectfully submitted,  Duncan A. Greenhagh Attorney for the Applicants Testa, Hurwitz & Thibeault, LLP High Street Tower-125 High Street Boston, MA 02110																																							



Atty. Docket No. RIB-007

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APPLICANT(S): *Wang et al.*

SERIAL NO.: 10/671,326 GROUP NO.: Not Yet Assigned

FILING DATE: September 25, 2003 EXAMINER: Not yet assigned

TITLE: Bifunctional Heterocyclic Derivatives and Methods of Making and Using Same

Commissioner for Patents
Washington, D.C. 20231

STATEMENT OF FACTS IN SUPPORT OF PETITION TO MAKE SPECIAL

Sir:

I, Susan Froshauer, Ph.D., am providing this statement of facts in support of a petition to make the above-identified patent application special pursuant to 37 C.F.R. § 1.102(d) and MPEP § 708.02 (XII). I hereby declare and state as follows:

- (1) I am the President and Chief Executive Officer of Rib-X Pharmaceuticals, Inc. ("Rib-X").
- (2) Rib-X is the owner by assignment of the above-identified patent application.
- (3) Rib-X is entitled to and has claimed small entity status for the application. Rib-X is a small business concern.
- (4) Rib-X is a new biotechnology company, founded in 2001, focused on the discovery of new anti-infective agents. The Company's drug discovery program relies on the utilization of the high-resolution crystal structure of the 50S subunit of the ribosome to design new antibiotic agents for treating drug resistant infections. The Company's integrated research program combines a series of approaches including biochemistry, molecular biology, medicinal chemistry, X-ray crystallography, and computational chemistry.

(5) The development of bacteria resistant against current antibiotic agents is a serious and growing public health concern. Consequently, there is an ongoing need for new and effective antibiotic agents. Rib-X's biotechnology program aimed at developing the next generation of antibiotic agents is therefore both important and timely.

(6) The filing of the present patent application is a significant milestone in the biotechnology research of Rib-X. The patent application relates to bifunctional heterocyclic compounds useful as anti-infective agents. The development of the technology described in the patent application will be significantly impaired if examination of the patent application is delayed. To date, Rib-X has received private financing to fund its drug discovery efforts. Because drug discovery is expensive, Rib-X plans to secure additional rounds of financing to support the development of the technology and to seek partners interested in further developing and bringing the technology to the market. The early allowance of claims in the patent application likely will improve Rib-X's chance of attracting and securing additional financing and of finding a partner to develop and bring the technology to the market.

(7) The patent application and the potential exclusivity afforded by a patent issuing from the application represent a major Company asset.

(8) All statements made of my knowledge are true and all statements made on information are believed to be true. I understand that willful false statements and the like are punishable by fine, imprisonment, or both under 18 U.S.C. § 1001, and may jeopardize the validity of the application or any patent issuing thereon.

Signed at New Haven, Connecticut, this 14th day of April, 2003.

Respectfully submitted,



Susan Froshauer, Ph.D.
President & CEO
Rib-X Pharmaceuticals, Inc.



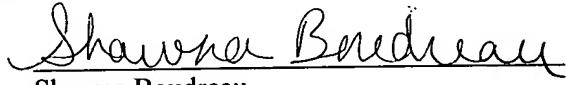
PATENT
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CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23rd day of April, 2004.


Shawna Boudreau

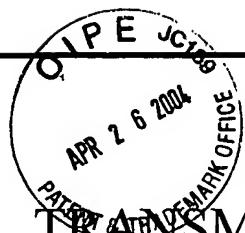
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is/are:

1. Transmittal Form (1 page);
2. Fee Transmittal (1 page);
3. Petition to Make Special Under 37 C.F.R. § 1.102(d) and MPEP § 708.02 (XII) (1 page);
4. Statement of Facts in Support of Petition to Make Special (2 pgs.);
5. a check in the amount of \$130.00;
6. and a return receipt postcard.

**TRANSMITTAL
FORM**



Application Serial Number	10/671,326
Filing Date	September 25, 2003
First Named Inventor	Wang
Group Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket No.	RIB-007
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) (i) Petition to Make Special Under 37 C.F.R. § 1.102(d) and MPEP § 708.02 (XII) (ii) Statement of Facts in Support of Petition to Make Special
<input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations	<input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Amendment After Allowance	
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	

CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
 Testa, Hurwitz & Thibeault, LLP
 High Street Tower
 125 High Street
 Boston, MA 02110
 Tel. No.: (617) 248-7000
 Fax No.: (617) 248-7100

SIGNATURE BLOCK

Respectfully submitted,

Duncan A. Greenhalgh
 Atty/Agent for Applicant(s)
 Testa, Hurwitz & Thibeault, LLP
 High Street Tower
 125 High Street
 Boston, MA 02110